

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

WILLIAM LEONARD, JR.,)	
)	
Plaintiff,)	
)	Case No. 3:05-CV-01015-MEF-CSC
vs.)	
)	
RELIASTAR LIFE INSURANCE)	
COMPANY f/k/a NORTHWESTERN)	
NATIONAL LIFE INSURANCE)	
COMPANY,)	
)	
Defendant.)	
_____)	

**DEFENDANT RELIASTAR LIFE INSURANCE COMPANY'S
MOTION FOR LEAVE TO FILE SURREPLY IN OPPOSITION TO
PLAINTIFF'S RULE 56(F) MOTION TO CONTINUE**

Defendant ReliaStar Life Insurance Company ("ReliaStar") respectfully requests that the Court grant it leave to file *instanter* the attached Surreply Memorandum in Opposition to Plaintiff's Rule 56(f) Motion to Continue.

On March 15, 2006, this Court entered an Order (D.E. 24) granting the plaintiff's motion for leave to file a Reply Memorandum (D.E. 23) in further support of Plaintiff's Rule 56(f) Motion to Continue (D.E. 17) (the "Rule 56(f) Motion"). The plaintiff attached a new affidavit¹ to his Reply Memorandum and cited additional case authority that he neglected to include in his initial memorandum. Because ReliaStar has not had an opportunity to respond to plaintiff's new affidavit and arguments, ReliaStar requests

¹ Affidavit of Dr. David Lange, attached as Exhibit 1 to Plaintiff's Reply.

leave to respond by filing its attached Surreply. In the interests of fairness, ReliaStar should be allowed to respond to plaintiff's new material. Accordingly, the Court should enter an Order granting this motion and permitting the filing of the attached Surreply.

Respectfully submitted,

/s/ S. Andrew Kelly

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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